Michael German et al.

Application No.: 09/811,323

Page 8

02307O-138220US

REMARKS

With entry of this amendment, claims 18, 19, 23-50, and 52-60 are pending in the above-identified application. Claims 26, 28, 34-45, and 47-50 have been withdrawn from consideration. Claim 51 is canceled by this amendment without prejudice to Applicant's right to prosecute the subject matter of claim 51 in a related co-pending application.

In addition, Applicants have attached herewith fully executed copies of the Declaration under 37 C.F.R. § 1.131 by Drs. Michael German, Stephen Rothman, and Ira Goldfine ("German et al. Declaration") (Exhibit 3) as well as the Declaration of Andrea Eubanks Under 37 C.F.R. § 1.132 (Exhibit I). Unsigned copies of the German et al. and Eubanks declarations were previously filed with Applicants' Amendment After Final of June 3, 2003.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested. If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 206-467-9600.

Respectfully submitted,

Dated: November 6, 2003

Reg. No. 54,443

TOWNSEND and TOWNSEND and CREW LLP

Two Embarcadero Center, 8th Floor

San Francisco, CA 94111 Telephone: (206) 467-9600

Telefax: (415) 576-0300

60071181 vI